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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
 	
                            Plaintiff,
 	
            v.
 	
GENARO DALE FRAGUA CHAVEZ,
 	
                            Defendant.
	CASE NO. 1:23-CR-00120-JLT-SKO
	
	STIPULATION REGARDING EXCLUDABLE TIME PERIODS UNDER SPEEDY TRIAL ACT; ORDER
	
	DATE: August 30, 2023
	TIME: 1:00 p.m.
	COURT: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1.   By previous order, this matter was set for status on August 30, 2023.

2.   By this stipulation, defendant now moves to continue the status conference until November 15, 2023, and to exclude time between August 30, 2023, and November 15, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

3.   The parties agree and stipulate, and request that the Court find the following:

a)   The government has represented that the discovery associated with this case includes reports, photographs, and audio files. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying, or is in the process of being produced.

b)   Counsel for defendant desires additional time to review discovery, conduct any investigation, and discuss this matter, including potential resolutions, with the defendant in order

1   to prepare for trial.

2   c)   Counsel for defendant believes that failure to grant the above-requested

3   continuance would deny him/her the reasonable time necessary for effective preparation, taking

4   into account the exercise of due diligence.

5   d)   The government does not object to the continuance.

6   e)   Based on the above-stated findings, the ends of justice served by continuing the

7   case as requested outweigh the interest of the public and the defendant in a trial within the

8   original date prescribed by the Speedy Trial Act.

9   f)   For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,

10 et seq., within which trial must commence, the time period of August 30, 2023 to November 15,

11 2023, inclusive, is deemed excludable pursuant to 18 U.S.C.§ 3161(h)(7)(A), B(iv) [Local Code

12 T4] because it results from a continuance granted by the Court at defendants' request on the basis

13 of the Court's finding that the ends of justice served by taking such action outweigh the best

14 interest of the public and the defendants in a speedy trial.

15   g)   The parties also agree that this continuance is necessary for several reasons,

16 including but not limited to, the need to permit time for the parties to exchange supplemental

17 discovery, engage in plea negotiations, and for the defense to continue its investigation and

18 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

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1   4.   Nothing in this stipulation and order shall preclude a finding that other provisions of the

2   Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial

3   must commence.

4   IT IS SO STIPULATED.

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6   Dated: August 14, 2023   PHILLIP A. TALBERT
                                                           United States Attorney

7   /s/ STEPHANIE M. STOKMAN
                                                           STEPHANIE M. STOKMAN
8   Assistant United States Attorney

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10   Dated: August 14, 2023   /s/ GRIFFIN ESTES
                                                           GRIFFIN ESTES
11   Counsel for Defendant
                                                           GENARO DALE FRAGUA
12   CHAVEZ

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14   **ORDER**

15   IT IS SO ORDERED.

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18   DATED: 8/15/2023   _Sheila K. Oberto_
                                               THE HONORABLE SHEILA K. OBERTO
19   UNITED STATES MAGISTRATE JUDGE

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STIPULATION REGARDING EXCLUDABLE TIME   3
PERIODS UNDER SPEEDY TRIAL ACT